In the High Court for the States of Punjab and Haryana at Chandigarh

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C.M. No.2540-C of 2013
and RSA No. 2869 of 1995

Date of decision: March 21,2013

Wassan Singh and another ..Appellants

Versus

Karam Singh and others ..Respondents

Coram: **Hon'ble Mr. Justice Jaswant Singh**

Present: Mr. Vinod Kumar Kataria, Advocate
with Mr. Wassan Singh and Fateh Singh,
appellants/plaintifffs.
Mr. B.S.Sidhu, Advocate
with Mr. Karam Singh, respondent No.1

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Jaswant Singh,J.(Oral)

The plaintiffs are in second appeal against the concurrent finding recorded by the Courts below whereby their suit for declaration that they are owners in possession in equal shares of land measuring 32 Kanals, fully detailed in the plaint on the basis of two sale deeds dated 2.12.1982 and 3.12.1983 with consequential relief of partition, was partly decreed by the learned Subordinate Judge, Ist Class, Faridkot, vide judgment and decree dated 18.5.1993 and the findings thereof were affirmed in appeal by the learned Additional District Judge, Faridkot vide judgment and decree dated 15.9.1995 while dismissing cross-objections of the defendants.

Present appeal was admitted by this Court vide order dated 22.12.1995 with the direction to maintain status quo regarding possession.

It is not in dispute that vide impugned judgment and decrees, the plaintiffs were held to be owners in possession in equal share of land measuring 16 Kanals only purchased by them from Mehal Singh-father of the defendants vide sale deed dated 2.12.1982 (Ex.P4) whereas the other 16 Kanals purchased from the aforesaid Mehal Singh vide sale deed dated 3.12.1983 (Ex.P7) was discarded in view of the Khasra Number being identical to one recited in sale deed Ex.P4.

Defendant-respondent No.3 Smt. Bhapo died during the pendency of the present appeal and her legal representatives were brought on record vide order dated 12.2.2013 in C.M. No.1513-C of 2013. The amended memo. of parties was also taken on the record.

The aforesaid Miscellaneous Application bearing No.2540-C of 2013 has been moved by the appellant-plaintiff for placing on record compromise deed dated 19.2.2013(Annexure A1) and General Power of Attorney dated 16.1.2013 executed by respondent Nos.2 to 6 in favour of defendant-respondent No.1 Karam Singh as (Annexure A2).

In the compromise deed dated 19.2.2013 (Annexure A1), in para No.7, it has been admitted by all the respondents-defendants that a compromise has been effected and all the defendants have no objection if the plaintiffs are declared to be

owners in possession of 32 Kanals purchased by them vide two sale deeds dated 2.12.1982 (Ex.P4) and the sale deed dated 3.12.1983(Ex.P7).

Respondent-defendant No.1 Karam Singh is present in Court who has been duly identified by his counsel and as also the appellant Wassan Singh who is present in Court. Karam Singh on his behalf and as also on behalf of the other family members, i.e., respondent Nos.2 to 6 admits the contents of the compromise deed dated 19.2.2013. He states that he has no objection if both the aforesaid impugned decrees are modified and the suit of the plaintiff is decreed in toto. His statement has been separately recorded.

In view of the aforesaid development, C.M. No. 2540-C of 2011 is allowed and the compromise deed dated 19.2.2013 and the General Power of Attorney are taken on the record as (Annexures A1 and A2).

Since the dispute has been amicably resolved with the consent of the counsel for the parties, the main appeal is also taken up for hearing.

In view of the aforesaid agreed stand and in view of the compromise deed dated 19.2.2013, the present appeal is allowed. Both the aforesaid impugned judgments and decrees dated 18.5.1993 and 15.9.1995 are modified and the suit of the plaintiff is decreed in toto. Decree sheet be prepared accordingly.

March 21,2013 **(JASWANT SINGH)**
nk **JUDGE**